

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board

Paper No. 48

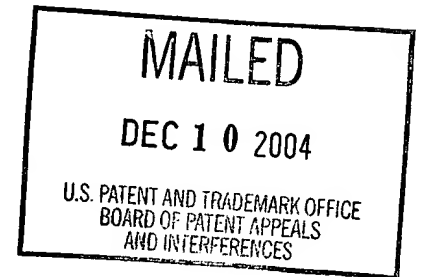
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RONALD A. KATZ

Appeal No. 2003-1089
Application 08/407,064

ON BRIEF



Before OWENS, LEVY and BLANKENSHIP, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

ON REQUEST FOR REHEARING

The appellant requests reconsideration of our affirmance of the rejection under 35 U.S.C. § 103 of claims 40-45 over Vision in view of Laycock and Thompson (Request, page 1). The appellant argues (Request, pages 1-2) that the Board was incorrect in saying: "Claim 40 does not require that the D channel type signals are used for alert situation indication. The only use of the D channel type signals required by the claim is for activating the control computer" (Decision, page 11). The appellant points out that claim 40 recites: "said telephonic apparatus further including 'D' channel type apparatus, for providing 'D' channel type signals to manifest said various alert situations" (Request, page 2).

The next paragraph of claim 40 recites how the D channel type signals are used in manifesting an alert situation. The D channel type signals activate a control computer that includes a memory structure addressable to supply location graphic data, including an alert situation indication for actuating at least one television display structure to display the graphic data including an alert situation indication. Thus, the D channel type signals activate the control computer which actuates a television display structure which manifests the alert situation. Likewise, as we pointed out in our decision (page 11), Thompson's computer is activated when the telephone number of the calling party is input to the computer system using ANI signals which the appellant has acknowledged are D channel type signals.

In view of the appellant's Request for Rehearing, we have reconsidered our decision to affirm the rejection of claims 40-45. However, for the above reason, we are not convinced of error in our decision. Accordingly, we decline to make any change to the decision.

DENIED

Terry J. Owens

Terry J. Owens)
Administrative Patent Judge)

Stuart S. Levy

Stuart S. Levy)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

Howard B. Blankenship

Howard B. Blankenship)
Administrative Patent Judge)

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